

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DIEGO SANTIAGO,

Index No. 06 CV 5422 (CLB) (GAY)

Plaintiff,

-against-

**REPLY DECLARATION OF
STEPHEN A. FUCHS, ESQ.**

THE VILLAGE OF OSSINING POLICE
DEPARTMENT,

Defendant.

STEPHEN A. FUCHS declares under penalty of perjury under the laws of the
United States:

1. I am a Shareholder with the firm of Littler Mendelson, P.C., counsel for the Defendant in this action, Village of Ossining Police Department (“the Department”). I am fully familiar with the facts and circumstances associated with this case and I make this Reply Declaration in further support of the Department’s motion for summary judgment.

2. Plaintiff made no inquiry during discovery of this matter regarding any documents or information reflecting any investigation by Defendant into the posting of the article with the word “scab” written thereon in the Department on or about October 28, 2003. (Santiago Decl. Ex. A). He has raised the question of an investigation by the Department into this incident for the first time in opposition to this summary judgment motion. Plaintiff took no depositions in this matter in which he could have inquired as to such an investigation.

3. Attached hereto as Exhibit A is a true and correct copy of excerpts from the transcript of Plaintiff's April 11, 2007 deposition, pages 1, 119 – 121 and 186.

Executed this 4th Day of February 2008 in New York, New York.



STEPHEN A. FUCHS